

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

RSUI INDEMNITY COMPANY,)
)
 Plaintiff,)
)
 v.)
)
 LINDSEY RENEE WHITTEN; RYAN) 7:17-cv-01779-LSC
 AUSTIN CRAIG; XONDADRIC HOLMES;)
 DMC BUILDERS CO., INC.; DIN-CAL)
 CONSTRUCTION, INC.; STERLING - U OF AL,)
 L.P.; DDC CONSTRUCTION, INC.; and)
 SUMMIT STEEL FABRICATORS, INC.)
)
 Defendants.)

ORDER

THIS MATTER coming before the Court on Plaintiff, RSUI INDEMNITY COMPANY's, Agreed Motion For Disbursement of Proceeds And Dismissal Of All Claims, the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

(1) RSUI's Agreed Motion For Disbursement of Proceeds And Dismissal Of All Claims is granted;

(2) The District Court Clerk shall disburse the \$5,000,000 interpleaded fund with the District Court Clerk by check payable as follows:

a. **Two Million Three Hundred Thirty Three Thousand Three Hundred Thirty Three Dollars and Thirty Three Cents (\$2,333,333.33) payable to Lindsey Whitten and Marsh, Rickard & Bryan, PC (Tax ID No. 63-1170123).** Said payment shall be mailed

to Jeff Rickard, Marsh, Rickard & Bryan, PC, 800 Shades Creek Parkway, Suite 600-D, Birmingham, Alabama 35209.

- b. **One Million One Hundred Sixty Six Thousand Six Hundred Sixty Six Dollars and Sixty Seven Cents (\$1,166,666.67)** payable to **Ryan Craig and Cross & Smith, LLC (Tax ID No. 26-3789690)**. Said payment shall be mailed to Dell Cross, Cross & Smith, LLC, 907 17th Avenue, Tuscaloosa, Alabama 35401.
- c. **One Million Five Hundred Thousand Dollars (\$1,500,000.00)** payable to **Xondadric Holmes and Eberstein & Witherite, LLP (Tax ID No. 75-2953673)**. Said payment shall be mailed to Michael Ermert, Hare, Wynn Newell & Newton, 2025 3rd Ave. N., Suite 800, Birmingham, Alabama 35203.
- d. Any interest earned or accrued on the \$5,000,000 interpleaded fund shall be disbursed by the District Court Clerk in an agreed upon pro-rata manner so that **Lindsey Whitten and Marsh, Rickard & Bryan, PC** shall receive 46.67% of any interest, **Ryan Craig and Cross & Smith, LLC**, shall receive 23.33% of any interest and **Xondadric Holmes and Eberstein & Witherite, LLP** shall receive 30% of any interest.

(3) The Defendants shall have no further claim to the proceeds paid into Court by the Plaintiff.

(4) This Interpleader action is dismissed with prejudice, with all parties to bear their own costs.

DONE and ORDERED on February 13, 2018.



L. Scott Coogler
United States District Judge

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